

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the following remarks.

Claims 1, 3, 5-18, 22-26, and 28-47 are pending in the application, with claims 1, 22, and 37 being independent.

§ 103 Rejection

Claims 1, 3, 5-18, 28-31, and 33 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,742,666 (Alpert) in view of U.S. Patent No. 6,295,346 B1 (Markowitz et al.) and further in view of U.S. Patent No. 6,674,840 B1 (Contractor).

Claims 22-26, 34, 36-40, and 42-47 were rejected under 35 U.S.C. § 103(a) as being obvious over Alpert, Markowitz, and Contractor, and further in view of U.S. Patent No. 6,775,356 B2 (Salvucci et al.).

Claim 32 was rejected under 35 U.S.C. § 103(a) as being obvious over Alpert, Markowitz, and Contractor, and further in view of U.S. Patent No. 5,864,755 (King et al.).

Claims 35 and 41 were rejected under 35 U.S.C. § 103(a) as being obvious over Alpert, Markowitz, Contractor, and Salvucci, and further in view of King et al.

Claims 43-47 were rejected under 35 U.S.C. § 103(a) as being obvious over Alpert, Markowitz, and Contractor and further in view of U.S. Patent Application Publication No. US 2004/0247086 A1 (Menard et al.).

These rejections are respectfully traversed.

The Contractor patent does not qualify as prior art under 35 U.S.C. § 103(a) against the subject application. 35 U.S.C. § 103(c) provides that:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Application No. 09/965,984 (the subject application) and Contractor were, at the time the invention of the subject application was made, owned by or subject to an obligation of assignment to BellSouth Intellectual Property Corporation.

Accordingly, Contractor does not qualify as prior art under § 103(a) against the subject application, and all of the rejections based on that reference should be withdrawn.

CONCLUSION

For at least the foregoing reasons, claims 1, 3, 5-18, 22-26, and 28-47 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejection and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, the Examiner is requested to contact the undersigned attorney to resolve the issue.

Respectfully submitted,

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